

OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

The Commissioner anticipates that he may go into executive session at this meeting on items listed. The agenda shall be subjected to the discussion of the items including executive sessions which arise at the time of the public body's meeting. Pursuant to 29 Del. C. Section 10004(b), the Commissioner may call for an executive session closed to the public to obtain legal advice with respect to pending or potential litigation, to discuss criminal records of applicants, and to review financial data. No action is taken during the executive session. All action is taken in open session.

August 6, 2009

Agenda

**Sussex County Council Chambers,
Administrative Building, The Circle
Georgetown, Delaware 19947**

**VIOLATIONS
9:30A.M.**

**Harbor Pizza, Inc.
Marina's Restaurant & Bar
16 N. Market Street
Blades, DE 19973**

**P-SPR-ON
S-SPR-ON
#13678**

Violation #05726: On Friday, May 1, 2009, at 11:30pm, fail to have meals available during business hours.

Violation #05727: On Friday, May 1, 2009, at 11:30pm, fail to have the prenatal warning decal visible at the entrance.

Violation #05728: On Friday, May 1, 2009, at 11:30pm, fail to have the underage warning decal visible at the entrance.

Violation #05729: On Friday, May 1, 2009, at 11:30pm, fail to have a cover charge posted for an event.

**Twenty-Two, Inc.
Coyotes Saloon and Restaurant
Nylon Capitol Shopping Center
Atlanta Road and Stein Highway
Seaford, DE 19973-1524**

**SPR-ON
S-SPR-ON
#12370**

Violation #05694: On Friday, February 20, 2009, at approximately 1:00pm, knowingly engage in and permit illegal gambling activity to occur within your licensed establishment.

Violation #05700: On Saturday, March 7, 2009, at approximately 11:00pm, fail to have food available at all hours that the restaurant is open for the sale of alcoholic beverages.

Violation #05702: On Sunday, March 8, 2009, at approximately 1:30am, fail to secure all alcoholic beverages in adequate storage facilities thirty minutes after the legal sale of alcohol ceased.

Violation #05703: On Sunday, March 8, 2009, at approximately 1:18am, sell and serve an alcoholic beverage in your establishment licensed for on-premise consumption between the hours of 1:00am and 9:00am as per DE Title 4 Subsection 709 (C).

Violation #05704: On Saturday, February 7, 2009, at approximately 11:45pm, operate a lewd and unsanitary establishment per DE Title 4 Subsection 561 (B)(5).

Violation #05705: On Thursday, January 29, 2009, at approximately 1:30pm, directly give an alcoholic beverage to an individual free of cost.

Violation #05706: On Thursday, January 29, 2009, at approximately 1:30pm, fail to have restaurant seating available at tables for 35 or more patrons.

Violation #05707: On Thursday, January 22, 2009, at approximately 11:00pm, fail to have approved hours and days of operation posted in a conspicuous place in order for all customers to be properly informed.

Violation #05708: On Thursday, January 22, 2009, at approximately 11:00pm, fail to have decal, purchased through the Commissioner, warning pregnant woman of the risk of birth defects from the consumption of alcoholic beverages conspicuously displayed at each entrance.

Violation #05709: On Thursday, January 22, 2009, at approximately 11:00pm, fail to have decal, purchased through the Commissioner, stating the legal drinking age in the state conspicuously displayed at each entrance.

(CONTINUED)

**Twenty-Two, Inc.
Coyotes Saloon and Restaurant**

**SPR-ON
S-SPR-ON**

Violation #05710: On Thursday, January 22, 2009, at approximately 11:00pm, fail to insure that owner be properly server trained.

Violation #05712: On Thursday, April 9, 2009, at approximately 11:15am, fail to designate a substantial portion of the premises' floor space, as determined by the Commissioner, to be used for the storage, preparation, service and consumption of complete meals as per Title 4, Subsection 543 (8).

Violation #05713: On Thursday, April 9, 2009, at approximately 11:15am, fail to obtain the Commissioner's approval prior to making changes to your floor plan.

**Berger's Cocktail Lounge, Inc.
The Woodshed
22588 Bridgeville Hwy.
Seaford, DE 19973**

**TAP-ON
TAP-OFF
#10567**

Violation #05715: On Friday, February 20, 2009, at approximately 6:45pm, knowingly engage in and permit illegal gambling activity to occur within your licensed establishment.

Violation #05716: On Friday, February 20, 2009, at approximately 6:45pm, fail to insure that owner be properly server trained.

**Liquid Limited Incorporated
Liquid Assests
2051 Bridgeville Highway
Seaford, DE 19973**

**PCK-OFF
PCT-ON
#13302**

Violation #05742: On Tuesday, May 12, 2009, at approximately 4:17pm, sell alcoholic beverages to a person under the age of 21.

VIOLATIONS
1:30P.M.

Laurel Liquors, Inc.
Laurel Liquors
405 North Central Avenue
Laurel, DE 19956

PCK-OFF
PCT-ON
#13720

Violation #05736: On Thursday, April 23, 2009, at approximately 5:50pm, illegally transport alcoholic beverages in a privately owned vehicle without a way bill.

Violation #05738: On Thursday, April 23, 2009, at approximately 5:50pm, did fail to purchase alcoholic beverages from a wholesaler as described in Title 4.

Violation #05741: On Thursday, April 23, 2009, at approximately 5:50pm, did have unauthorized alcoholic beverages on your premises as described in Title 4, Subsection 902.

We Idle In, Inc.
Cinnamon's/Club 22 Restaurant
606 Bridgeville Road
Seaford, DE 19973

SPR-ON
S-SPR-ON
#11595

Violation #05720: On Friday, February 20, 2009, at approximately 4:30pm, knowingly engage in and permit illegal gambling activity to occur within your licensed establishment.

Violation #05722: On Thursday, April 9, 2009, at approximately 11:15am, fail to obtain the Commissioner's approval prior to making changes to your floor plan.

Violation #05723: On Thursday, April 9, 2009, at approximately 11:15am, fail to have restaurant seating available at tables for 35 or more patrons.

Violation #05724: On Thursday, April 9, 2009, at approximately 11:15am, fail to designate a substantial portion of the premises' floor space, as determined by the Commissioner, to be used for the storage, preparation, service and consumption of complete meals as per Title 4, Subsection 543(8).

Violation #05725: On Thursday, April 9, 2009, at approximately 11:15am, fail to have a Commissioner approved menu that consists of full meals.

Parsons, Max Donald (Estate Of)
Dugout Bar-B-Que Lounge & Restaurant
26739 Dual Highway
Seaford, DE 19973

TAP-ON
#11762

Violation #05730: On Friday, April 3, 2009, at approximately 4:55pm, failed to have all owners, managers and employees server trained.

Violation #05731: On Saturday, May 2, 2009, at approximately 2:30am, failed to have all owners, managers and employees server trained.

Violation #05732: On Friday, April 3, 2009, at approximately 4:55pm, had alterations visible to your licensed premise, not approved by the Commissioner.

Violation #05733: On Friday, April 3, 2009, at approximately 4:55pm, failed to obtain a change in ownership, officers or director, financial interest, or lease agreement.

Violation #05734: On Friday, April 3, 2009, at approximately 4:55pm, failed to have approved operating hours posted.

Violation #05735: On Saturday, May 2, 2009, failed to have cover charge posted at the entranceway.

Violation #05737: On Saturday, May 2, 2009, failed to obtain Commissioner approval for a communicating doorway leading to living quarters.

Violation #05739: On Saturday, May 2, 2009, at approximately 2:25am, permit alcoholic beverages to be consumed on your licensed premise during hours prohibited.

Violation #05740: On Saturday, May 2, 2009, at approximately 2:25am, permit persons other than employees to remain on the licensed premise during hours prohibited.

AB Fenwick, Inc.
Scotty's Bayside Tavern
36666 Blue Water Rn W, Unit 1
Selbyville, DE 19975

TAP-ON
#13513

Violation #05757: On Friday, June 26, 2009, at approximately 9:54pm, did have a disc jockey playing amplified music in direct conflict of testimony given at the protest hearing held May 9, 2009 in Sussex County.

PROTESTED APPLICATIONS

5:00PM

**Grotto Pizza, Inc.
Grotto Pizza
98 Garfield Parkway
Bldg. C
Bethany Beach, DE 19930**

**P-SPR-ON
S-SPR-ON
#14051**

New License – applicant has applied for Restaurant On, Sunday and Patio Liquor Licenses that permit the sale, service and consumption of alcoholic beverages on the premises where sold.

6:00PM

**Casa DiLeo, LLC
Casa DiLeo
721 Rehoboth Avenue
Rehoboth Beach, DE 19971**

**SPR-ON
S-SPR-ON
#13442**

Extension of Premise – applicant has applied to modify the floor plan, increasing the interior by 1080 square feet, adding 13 bar stools, and adding an outside patio of 360 square feet.